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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. 3-09-71021 JCS
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER EXCLUDING TIME FROM
v.	)	SPEEDY TRIAL ACT CALCULATION
	)	(18 U.S.C. § 3161(h)(7)(A)) AND
ZHEN PAI LIU,	)	EXTENDING TIME PURSUANT TO FED.
	)	R. CRIM. P. 5.1
Defendant.	)	

With the agreement of the parties, and with the consent of defendant Zhen Pai Liu, the Court enters this order documenting (a) an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from August 10, 2010, to September 24, 2010, and (b) an extension to September 24, 2010, of the time for holding a preliminary hearing pursuant to Federal Rule of Criminal Procedure 5.1. The parties agree, and the Court finds and holds, as follows:

1. Defendant Zhen Pai Liu has been charged by complaint. The parties agree to an exclusion of time under the Speedy Trial Act. Defendant's counsel wishes to review discovery materials and to consult with his client about those discovery materials and about the case. Accordingly, failure to grant the requested continuance would unreasonably deny defendant's counsel reasonable time necessary for effective preparation, taking into account the exercise of

**FILED**

**AUG 12 2010**

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

1 due diligence, in this case.

2 2. Given these circumstances, the Court found that the ends of justice served by  
3 excluding the period from August 10, 2010, to September 24, 2010, outweigh the best interest of  
4 the public and the defendant in a speedy trial. Id. at § 3161(h)(7)(A). For the same reasons, the  
5 Court found good cause to delay a preliminary hearing until September 24, 2010, pursuant to  
6 Fed. R. Crim. P. 5.1(d). Defendant consented to this delay in the preliminary hearing.

7 3. Accordingly, and with the consent of the defendant, at the hearing on August 10,  
8 2010, the Court ordered that the period from August 10, 2010, to September 24, 2010, be  
9 excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(7)(A) & (B)(iv). Also  
10 with the content of the defendant, the Court ordered that any preliminary hearing be continued  
11 until September 24, 2010.

12 IT IS SO STIPULATED.

13  
14 DATED: August 10, 2010

/s/  
\_\_\_\_\_  
HUGH ANTHONY LEVINE  
Attorney for Defendant

15  
16  
17 DATED: August 10, 2010

/s/  
\_\_\_\_\_  
ANDREW P. CAPUTO  
Assistant United States Attorney

18  
19  
20 **[PROPOSED] ORDER**

21 IT IS SO ORDERED.

22  
23 DATED: Aug 12, 2010

Elizabeth D. Laporte  
ELIZABETH D. LAPORTE  
United States Magistrate Judge